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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406				
			EXAMINER PARTHASARATHY, PRAMILA	
			ART UNIT 2136	PAPER NUMBER

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,228

Applicant(s)

GEHRING ET AL.

Examiner

Pramila Parthasarathy

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-93 is/are pending in the application.
- 4a) Of the above claim(s) 13,24,35,60,69 and 79 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12,14-23,25-34,36-59,61-68,70-78 and 80-93 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to request for reconsideration filed on November 04, 2005. Applicant has amended claims 1 – 3, 8, 9 – 12, 14, 17, 19, 21 – 23, 25, 28, 30, 33, 34, 36, 39 – 41, 46 – 48, 58, 61, 63, 67, 70, 72, 75, 76 and 80.

Applicant has added new claims 86 – 93.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 – 12, 14 – 23, 25 – 34 and 36 – 57 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The amended independent Claims 1, 12, 23, 34 and 47 read, “ ... configured to receive a subsequent message over the wireless network, the subsequent message encrypted with the first encryption key”, “receiving, at a module, a subsequent message encrypted with the first encryption key”, “a radio configured to receive a message over the wireless network, the received

Art Unit: 2136

message encoded with the first encryption key and containing a second encryption key”.

The amended dependent Claims 2, 3, 11, 14, 22, 33, 36, 46 and 48, recite “subsequent message”.

3. With respect to “subsequent message”, although the specification discloses protocol management unit 300 processes messages, Encryption unit 404 encrypts messages to be transmitted, received messages are decrypted by the decryption unit 402 (see instant specification Page 7 line1 – Page 8 line 4), the specification does not disclose “subsequent message”. Applicant amendment does not clarify “subsequent message” but merely states that “..the wireless network that is also configured to receive a subsequent message over the wireless network, the subsequent message encrypted with the first encryption key” and directs to Figs 2, 3, 5 and 6, which do not provide any support to “subsequent message”.

The dependent claims 2 – 18, 20 – 39 and 40 are rejected at least by virtue of their dependency on the dependent claims.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2136

4. Claims 1 – 12, 14 – 23, 25 – 34 and 36 – 57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The amended independent Claims 1, 12, 23, 34 and 47 read, “ ... subsequent message”. The amended dependent Claims 2, 3, 11, 14, 22, 33, 36, 46 and 48, recite “subsequent message”.

With respect to “subsequent message”, although the specification discloses protocol management unit 300 processes messages, Encryption unit 404 encrypts messages to be transmitted, received messages are decrypted by the decryption unit 402 (see instant specification Page 7 line1 – Page 8 line 4), the specification does not disclose “subsequent message”. Applicant amendment does not clarify “subsequent message” but merely states that “..the wireless network that is also configured to receive a subsequent message over the wireless network, the subsequent message encrypted with the first encryption key” and directs to Figs 2, 3, 5 and 6, which do not provide any support or clarify “subsequent message”.

The dependent claims 2 – 3, 8, 9 – 11, 14, 17, 19, 21 – 22, 25 – 32, 34, 36 – 46, 48 – 57, 59, 61 – 66, 68, 70 – 75, 77, 78 and 80 – 93 are rejected at least by virtue of their dependency on the dependent claims.

Response to Arguments

5. Applicant's arguments filed on November 04, 2005, have been fully considered but they are not persuasive for the following reasons:

Applicant agrees with the Examiner that the cited prior arts (CPA) [Hawkes et al. U.S. Publication number 2002/0141591, hereinafter "Hawkes"], disclose a method of encrypting messages to protect the message from the content server and also that CPA teaches encrypting message using a registration key that is unique to User Identification Module (UIM). Hawkes discloses a method for secure message transmission in several embodiments. In one aspect a method for secure transmissions includes determining a registration key specific to a participant in a transmission, determining a first key and a second key and updating the first and second keys. In another aspect, a wireless communication system supporting a broadcast service option has an infrastructure element including a receive circuitry, a user identification unit, operative to recover a short-time key for decrypting a broadcast message, and a mobile equipment unit adapted to apply the short-time key for decrypting the message. The user identification includes a processing unit operative to decrypt key information, and memory storage unit for storing a registration key.

Art Unit: 2136

Regarding currently amended claims 1, 12, 23, 34, 47, 58, 67 and 76, Applicant argues that the prior art do not teach "encrypt subsequent message with an encryption key", "receiving a subsequent message at a module, wherein the subsequent message is encrypted with the first encryption key", "a radio configured to receive a message over a wireless network from a host and to transmit a subsequent message over the wireless network, the received message encoded with the first encryption key and containing a second encryption key, the subsequent message encrypted with the second encryption key" and "received message from the host is encrypted by the first encryption key and contains the second encryption key, and that messages encrypted using the second encryption key are then sent back to the host over a wireless network from a host". These arguments are not found persuasive.

Hawke discloses "encrypt subsequent message with an encryption key" [0070], "receiving a subsequent message at a module, wherein the subsequent message is encrypted with the first encryption key" [0070], "a radio configured to receive a message over a wireless network from a host and to transmit a subsequent message over the wireless network, the received message encoded with the first encryption key and containing a second encryption key, the subsequent message encrypted with the second encryption key" [0070] and "received message from the host is encrypted by the first encryption key and contains the second encryption key, and that messages encrypted using the second encryption key are then sent back to the host over a wireless network

Art Unit: 2136

from a host" [0070], wherein Hawke further discloses the key information (message) from the host and the encryption key that is used to encrypt the message are encrypted. Hawke further discloses a wireless communication system wherein the message is provided via a radio transmission and to control the access, the message is encrypted before being provided to other devices along with the decryption key [0063 – 0074].

Therefore, the examiner respectfully asserts that the cited prior art does teach or suggest the amended subject matter "encrypt subsequent message with an encryption key", "receiving a subsequent message at a module, wherein the subsequent message is encrypted with the first encryption key", "a radio configured to receive a message over a wireless network from a host and to transmit a subsequent message over the wireless network, the received message encoded with the first encryption key and containing a second encryption key, the subsequent message encrypted with the second encryption key" and "received message from the host is encrypted by the first encryption key and contains the second encryption key, and that messages encrypted using the second encryption key are then sent back to the host over a wireless network from a host", broadly recited in the amended independent claims. The dependent claims 2 – 3, 8, 9 – 11, 14, 17, 19, 21 – 22, 25 – 32, 34, 36 – 46, 48 – 57, 59, 61 – 66, 68, 70 – 75, 77, 78 and 80 – 93 are rejected at least by virtue of their dependency on the dependent claims and by other reason set forth in this office action. Accordingly, the rejection for the pending claims 1 – 3, 8, 9 – 12, 14, 17,

Art Unit: 2136

19, 21 – 23, 25, 28, 30, 33, 34, 36, 39 – 41, 46 – 48, 58, 61, 63, 67, 70, 72, 75, 76 and 80 – 93 is respectfully maintained.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1 – 3, 8, 9 – 12, 14, 17, 19, 21 – 23, 25, 28, 30, 33, 34, 36, 39 – 41, 46 – 48, 58, 61, 63, 67, 70, 72, 75, 76 and 80 – 93 are rejected under 35 U.S.C. 102(e) as being anticipated by Hawkes et al. (U.S. Publication Number: 2002/0141591).

7. Regarding Claim 1, Hawkes teaches and describes

a first encryption key storage unit configured to store a first encryption key (Page 5 paragraph [0065]);

a second encryption key storage unit configured to contain a second encryption key (Page 5 paragraph [0068] and Page 6 paragraph [0073]);

an encryption unit configured to encrypt a message containing a first encryption key, the message encrypted with the second encryption key (Page 5 paragraph [0068] and Page 6 paragraph [0073]);

a radio configured to transmit the message over a wireless network and configured to receive a subsequent message over the wireless network, the

Art Unit: 2136

subsequent message encrypted with the first encryption key (Page 5 paragraph [0063]).

8. Regarding Claims 12, 23 and 34, Hawkes teaches and describes
receiving, at a module, a second encryption key (Page 5 paragraph [0068]
and Page 6 paragraph [0073]);
transmitting, from the module, a message containing a first encryption key
over a wireless network the message encrypted with the second encryption key
(Page 6 paragraph [0070] and [0071]); and
receiving, at a module, a subsequent message encrypted with the first
encryption key (Page 6 paragraph [0070] and [0071]).

9. Regarding Claim 47, Hawkes teaches and describes
a first encryption key storage unit configured to contain a first encryption
key (Page 5 paragraph [0065]);
a radio configured to receive a message over a wireless network from a
host and to transmit a subsequent message over the wireless network, the
received message encoded with the first encryption key and containing a second
encryption key, the subsequent message encrypted with the second encryption
key (Page 5 paragraph [0063] and Page 6 paragraph [0070]);
a decryption unit configured to decrypt the received message with the first
encryption key (Page 6 paragraph [0073] and Page 7 paragraph [0080 – 0082]);

at least one temporary key storage unit configured to store the second encryption key (Page 5 paragraph [0068] and Page 6 paragraph [0073]).

10. Regarding Claims 58, 67 and 76, Hawkes teaches and describes receiving a message over a wireless network from a host, the message encoded with a first encryption key and containing a second encryption key (Page 6 paragraph [0070 – 0071] and Page 7 paragraph [0080 – 0082]);

decrypting the received message using the first encryption key, extracting the second encryption key (Page 6 paragraph [0073] and Page 7 paragraph [0080 – 0082]);

encrypting messages with the second encryption key; and sending the encrypted messages to the host (Page 6 paragraph [0070 – 0071] and Page 7 paragraph [0080 – 0082]).

11. Claims 2 and 44 rejected as applied about in rejecting, Claims 1 and 43. Furthermore, Hawkes teaches and describes a decryption unit configured to decrypt the subsequent message received from the radio (Page 6 paragraph [0073] and Page 7 paragraph [0080 – 0082]).

12. Claim 48 is rejected as applied about in rejecting Claim 47. Furthermore, Hawkes teaches and describes encryption unit configured to encrypt the subsequent message with the second encryption key (Page 6 paragraph [0070] and [0071]).

Art Unit: 2136

13. Claims 59, 68 and 78 are rejected as applied about in rejecting Claims 58, 67 and 77. Furthermore, Hawkes teaches and describes storing the second encryption key in an encryption key storage unit (Page 5 paragraph [0068] and Page 6 paragraph [0073]).

14. Claim 3 is rejected as applied about in rejecting Claim 2. Furthermore, Hawkes teaches and describes a protocol management unit configured to convey the subsequent message to a host device (Page 5 paragraph [0060 – 0063]).

15. Claim 14, 25 and 36 are rejected as applied about in rejecting Claims 13, 24 and 35. Furthermore, Hawkes teaches and describes decrypting the subsequent message with the first encryption key (Page 6 paragraph [0073] and Page 7 paragraph [0080 – 0082]).

16. Claims 86 and 49 are rejected as applied about in rejecting Claims 1 and 48. Furthermore, Hawkes teaches and describes the radio is further configured to receive data messages over the wireless network from the host, the data message encoded with the second encryption key (Page 5 paragraph [0063]).

17. Claim 45 is rejected as applied about in rejecting Claim 44. Furthermore, Hawkes teaches and describes encrypt messages sent to the host with the second encryption key (Page 6 paragraph [0070] and [0071]).

Art Unit: 2136

18. Claims 4 and 50 are rejected as applied about in rejecting Claims 2 and 49. Furthermore, Hawkes teaches and describes a selector configured to select between the encryption key storage units as input to the encryption unit and decryption unit (Page 5 paragraph [0065] and [0067]).

19. Claims 5 and 51 are rejected as applied about in rejecting Claims 2 and 50. Furthermore, Hawkes teaches and describes a device control unit configured to aid the selector in the selection between the encryption key storage units (Page 5 paragraph [0065] and [0067]).

20. Claims 6, 15, 26, 37, 55, 62, 71 and 81 are rejected as applied about in rejecting Claims 5, 14, 25, 36, 54, 61 and 70. Furthermore, Hawkes teaches and describes wherein the second encryption key is symmetric (Page 2 paragraph [0038] and Page 7 paragraph [0080] – Page 8 paragraph [0091]).

21. Claims 7, 16, 27, 38, 54, 61, 70 and 80 are rejected as applied about in rejecting Claims 6, 15, 26, 37, 53, 59, 68 and 78. Furthermore, Hawkes teaches and describes wherein the first encryption key is symmetric (Page 2 paragraph [0038] and Page 7 paragraph [0074]).

22. Claims 8, 17, 28, 39, 43, 56, 63, 72 and 82 are rejected as applied about in rejecting Claims 1, 12, 23, 34, 42, 47, 58, 67 and 76. Furthermore, Hawkes teaches and describes wherein the second encryption key is a peripheral device encryption key (Page 5 paragraph [0063 – 0068]).

23. Claims 9, 18, 29, 40, 87, 88 and 89 are rejected as applied about in rejecting Claims 8, 12, 17, 23, 28, 34, and 39. Furthermore, Hawkes teaches and describes wherein the first encryption key is a host device encryption key (Page 5 paragraph [0063 – 0068]).

24. Claims 10, 19, 30 and 41 are rejected as applied about in rejecting Claims 9, 18, 29 and 40. Furthermore, Hawkes teaches and describes wherein the peripheral device encryption key is received by a host device via input by a user (Page 5 paragraph [0063 – 0068]).

25. Claims 20, 31, 42 and 77 are rejected as applied about in rejecting Claims 18, 29, 41 and 76. Furthermore, Hawkes teaches and describes wherein the host device encryption key is stored within an encryption key storage unit (Page 5 paragraph [0063 – 0068]).

26. Claims 21, 32, 65, 74 and 84 are rejected as applied about in rejecting Claims 20, 29, 64, 73 and 83. Furthermore, Hawkes teaches and describes wherein the encryption key storage unit that stores the host device encryption key is a read only memory (Page 5 paragraph [0063 – 0068] and page 10 paragraph [0108]).

Art Unit: 2136

27. Claims 11, 22, 33, 46, 53, 66, 75 and 85 are rejected as applied about in rejecting Claims 10, 21, 32, 45, 52, 65, 73 and 84. Furthermore, Hawkes teaches and describes wherein the protocol management unit is configured to convey the subsequent message to the host device via the Universal Serial Bus protocol (Page 8 paragraph [0092 – 0093] and Page 9 paragraph [0107]).

28. Claims 57, 64, 73, 83, 90, 91, 92 and 93 are rejected as applied about in rejecting Claims 56, 58, 63, 67, 72, 76 and 82. Furthermore, Hawkes teaches and describes wherein the second encryption key is a host device encryption key (Page 5 paragraph [0063 – 0068]).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

Art Unit: 2136

the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

29. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. If applicants are aware of any better prior art than those are cited, they are required to bring the prior art to the attention of the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m.


Art Unit: 2136

To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy

January 10, 2006.


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